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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 CLAY VINSON HAYNES,

9 Petitioner,

10 v.

11 COMMANDER TOM CROSKEY,

12 Respondent.

NO: 4:19-CV-5182-TOR

ORDER DISMISSING ACTION FOR
FAILURE TO EXHAUST

13
14 BEFORE THE COURT is Petitioner's First Amended Petition for Writ of
15 Habeas Corpus pursuant to 28 U.S.C. § 2241, ECF No. 10. Petitioner, a pretrial
16 detainee at the Benton County Jail, is proceeding *pro se* and *in forma pauperis*.
17 Respondent has not been served.

18 It plainly appears from the documents presented that Petitioner did not exhaust
19 his state court remedies. Therefore, this action will be dismissed. *See Peterson v.*
20 *Lampert*, 319 F.3d 1153, 1156 (9th Cir. 2003); *Vang v. Nevada*, 329 F.3d 1069, 1075

1 (9th Cir. 2003). Petitioner has presented no basis for this Court's intervention in
2 pending state court proceedings. *See Perez v. Ledesma*, 401 U.S. 82, 85 (1971).

3 Therefore, **IT IS HEREBY ORDERED** this action is **DISMISSED**
4 **WITHOUT PREJUDICE** for failure to exhaust state court remedies.

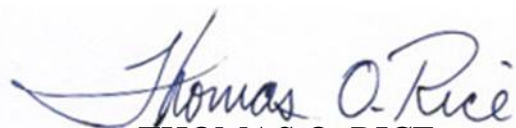
5 All pending motions are **DENIED AS MOOT**.

6 Petitioner's in forma pauperis status is **REVOKED**.

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
8 enter judgment, provide copies to Petitioner, and **close** the file. The Court certifies
9 that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be
10 taken in good faith and there is no basis upon which to issue a certificate of
11 appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of
12 appealability is therefore **DENIED**.

13 **DATED** November 6, 2019.




THOMAS O. RICE
Chief United States District Judge